

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

07 DEC 26 AM 11:29

UNITED STATES OF AMERICA,

Plaintiff,

V.

Marco Antonio MARTINEZ-Rodriguez,

Defendant

Magistrate Docket No. 07 MJ 2968


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
 Deported Alien Found in the
 United States

The undersigned complainant, being duly sworn, states:

On or about **December 20, 2007** within the Southern District of California, defendant, **Marco Antonio MARTINEZ-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **DECEMBER**
2007



 Leo S. Papas
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Marco Antonio MARTINEZ-Rodriguez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On Thursday, December 20, 2007, at approximately 11:40 P.M., the National Guard Infrared Scope Operator communicated via service radio of three individuals, on bicycles, riding north from the United States/Mexico International Boundary Fence and heading to the area commonly known as "The Model Airplane Field". "The Model Airplane Field" is approximately 2 miles west of the San Ysidro, California, Port of Entry and approximately 300 yards north of the United States/Mexico International Boundary Fence. While performing line watch operations, Senior Patrol Agent A. Furet Jr., responded to the area, and after a brief search found an individual hiding between some large rocks in an attempt to conceal himself. Due to the close proximity to the United States / Mexico International Boundary Fence, which is approximately 300 yards south, and due to the fact that this area is frequently used by undocumented aliens to further their entry into the United States, Agent Furet identified himself as a Border Patrol Agent, and conducted an immigration inspection. The subject, later identified as the defendant **Marco Antonio MARTINEZ-Rodriguez**, freely admitted to being a citizen and national of Mexico illegally in the United States, and did not possess any immigration documents that would allow him to legally enter or remain in the United States. Agent Furet arrested the defendant and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **October 27, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 22, 2007 at 9:30 A.M



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **December 20, 2007**, in violation of Title 8, United States Code, Section 1326.


Leo S. Papas

United States Magistrate Judge

12/22/07 4:01 PM
Date/Time